

INTERVIEW SUMMARY

Applicants would like to take this opportunity to thank the Examiner for the courtesy extended during the telephone interview held on March 7, 2005. In accordance with the discussions held during the interview, in this Response Applicants elect *only* a single species, from those found in claims 1 and 14, for further examination on the merits. It was agreed that the Office Action dated December 14, 2004 does **not** state grounds for Restriction under 35 U.S.C. 121, and does **not** identify inventive groups from which an election of an inventive group might be made. Thus, it was agreed that election of a species for examination is the only response required from Applicants in order to be fully responsive to the Office Action dated December 14, 2004.

This Response is made in the expectation that a Restriction Requirement, to the extent one may have been contemplated, is withdrawn. Applicants have requested written confirmation, in the form of an Interview Summary signed by the Examiner, confirming the agreement described above. To the date of this Response, such written confirmation has not been received.

SUMMARY OF RESTRICTION/ELECTION REQUIREMENT

The Office Action states that restriction of the claims is required under 35 U.S.C. 121, but does not indicate Inventive Groups from which Applicants are to select an inventive group. As described above in the Interview Summary, it was agreed that the Office Action dated December 14, 2004 does **not** state grounds for Restriction under 35 U.S.C. 121, and does **not** identify inventive groups from which an election of an inventive group might be made. Thus, it was agreed that election of a species for examination is the only response required from Applicants in order to be fully responsive to the Office Action dated December 14, 2004.

The Office Action also states that the claims lack the same or corresponding special technical features, and thus lack unity of invention, "because each claimed snake species is not functional equivalent to produce the same product (i.e. non-toxic fraction isolated from snake venom) results."

Applicants believe that a Restriction Requirement, to the extent one may have been contemplated by the Examiner, was not made and/or is withdrawn. However, in order to avoid any possible finding that this Response is not fully responsive to the Office Action dated December 14, 2004, Applicants respectfully traverse the Examiner's finding of lack of unity of invention, as follows.

Without waiving the objection stated above, Applicants

respectfully submit that all claims possess unity of invention because they share a special technical feature as required by PCT Rule 13.2.

In pertinent part, PCT Rule 13.2 states the following:

"[T]he requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression 'special technical features' shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art."

In the present application, the special technical feature that is shared between all claims is the method steps themselves. In this regard, Applicants respectfully point out to the Examiner that claims 1-13 relate to a product by process, and that claims 14-18 relate to the identical process.

Applicants further point out to the Examiner that, in relevant part, MPEP §1850 states the following:

"[I]t is clear that the decision with respect to unity of invention rests with the International Searching Authority or the International Preliminary Examining Authority. However, the International Searching Authority or the International Preliminary Examining Authority should not raise objection of lack of unity of invention merely because the inventions claimed are classified in separate classification groups or merely for the purpose of restricting the international search to certain classification groups."

In this regard, applicants respectfully note that the International Preliminary Examination Report does **not** contain an

indication of lack of unity of invention between the claims of the underlying PCT application, which were substantially similar to the claims presently pending in this application.

For these reasons, unity of invention clearly exists between all claims because the special technical feature common to all of the claims is the steps of the method.

In addition, the Office Action also requires Applicants to elect a single species, from the species in the Markush group of claims 1 and 14, i.e. from *Atractaspidae*, *Elapidae*, *Crotolidae*, *Hydrophidae*, and *Viperidae*, for purposes of conducting a search for the inventive subject matter, and to which the claims would be restricted if no generic claim is finally held to be allowable.

Applicants concur with the statement in the Office Action that "[u]pon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141." Applicants' election of a single species for examination on the merits is expressly made for the limited purpose of search, and it is anticipated that all species stated in claims 1 and 14 will ultimately be examined on the merits as part of the generic claims, assuming that no art reading on the elected species is found.

SPECIES ELECTION

Applicants elect *Crotolidae* as the species for examination.
Claims 1-3 and 5-18 are readable on the elected species.

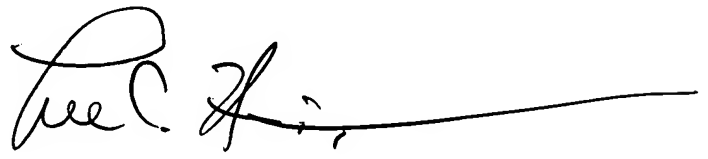
CONCLUSION

Based upon the above remarks, Applicants respectfully request the Examiner to reconsider and withdraw the restriction requirement, to the extent that one might be read into the Office Action dated December 14, 2004, and to examine all of the claims pending, and the species described, in this application.

If the Examiner has any questions or comments regarding this matter, he is welcomed to contact the undersigned attorney at the telephone number and address listed below.

Respectfully submitted,

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